

EXHIBIT A

**THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

	X	
	:	Chapter 9
In re:	:	Case No. 13-53846
CITY OF DETROIT, MICHIGAN,	:	Hon. Steven W. Rhodes
Debtor.	:	
	:	
	:	
	X	

**ORDER GRANTING PETITIONERS ROBERT DAVIS' AND CITIZENS UNITED
AGAINST CORRUPT GOVERNMENT'S EMERGENCY MOTION FOR RELIEF
FROM THE AUTOMATIC STAY**

This matter coming before the Court on: (a) Petitioners Robert Davis' and Citizens United Against Corrupt Government's ("Petitioners") Emergency Motion for Relief from the Automatic Stay ("Emergency Motion") (Docket No. 7667); and (b) Debtor's Combined Objection and Brief in Opposition to Petitioner Robert Davis' and Citizens United Against Corrupt Government's Emergency Motion for Relief from the Automatic Stay Objection ("Objection") (Docket No. 7714); the Court having reviewed and conducted a hearing on the Emergency Motion and the Objection; and the Court having determined that the legal and factual bases as set out in the Emergency Motion and the representations of the Petitioners at the hearing and in the Emergency Motion establish cause for the relief granted herein;

IT IS HEREBY ORDERED THAT:

- A. Petitioners' Emergency Motion is **GRANTED** to the extent set forth in this Order.
- B. Petitioners shall be allowed to immediately file a civil action in the Wayne County Circuit Court against the Detroit City Council seeking only (1) the declaratory and injunctive relief specifically identified in the Emergency Motion for the Detroit City

Council's alleged violations of the Open Meetings Act and (2) an award of attorneys' fees and costs as may be provided for by the Open Meetings Act.

- C. The Petitioners shall not seek to invalidate any action, decision, order or resolution arising from or relating to the closed sessions of the Detroit City Council on September 23, 24 or 25, 2014, including without limitation, the Detroit City Council's "Resolution Removing Kevyn D. Orr as Emergency Manager and Removing the City of Detroit from Receivership Under Act 436" as approved by the Detroit City Council on September 25, 2014, or any of the orders dated September 25, 2014, of the Emergency Manager of the City of Detroit, Kevyn D. Orr.
- D. The Petitioners shall not depose, or seek to depose, the Emergency Manager of the City of Detroit, Kevyn D. Orr or the Mayor of the City of Detroit, Mike Duggan, without first obtaining an order from this Court authorizing Petitioners to seek such a deposition in the civil action.
- E. The automatic stays of Bankruptcy Code §§362 and 922 otherwise remain in full force and effect except as expressly modified by this Order.
- F. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry.
- G. This Court shall retain jurisdiction over any and all matters arising from the interpretation or implementation of this Order.

Signed on September 30, 2014

/s/ Steven Rhodes
Steven Rhodes
United States Bankruptcy Judge

EXHIBIT B

STATE OF MICHIGAN
IN THE 3RD JUDICIAL CIRCUIT COURT
FOR THE COUNTY OF WAYNE

CITIZENS UNITED AGAINST CORRUPT GOVERNMENT,
a Michigan Nonprofit Corporation,
PLAINTIFF,

Case No. 14-012633-AW
HON. ANNETTE J. BERRY

-v-

DETROIT CITY COUNCIL,
DEFENDANT.

14-012633-AW
FILED IN MY OFFICE
WAYNE COUNTY CLERK
10/1/2014 3:54:29 PM
CATHY M. GARRETT

ANDREW A. PATERSON (P18690)
Attorney for Plaintiff Citizens United
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/s/ Cheryl Bascomb

/

Order Granting Ex Parte Motion for Temporary Restraining Order (TRO)

At a session of said Court held
in the Coleman A. Young Municipal Center, City of Detroit,
County of Wayne, State of Michigan,

On **10/1/2014**

Present: **Annette J. Berry**

Wayne County Circuit Court Judge

This matter having come before the Court on Plaintiff's Verified Complaint Declaratory
Judgment and Injunctive Relief and Plaintiff's Emergency Ex Parte Motion for Temporary
Restraining Order ("TRO"), and the Court being otherwise fully advised in the premises;

IT IS HEREBY ORDERED that Plaintiff's *Ex Parte* Motion for TRO is GRANTED.

IT IS FURTHER ORDERED that Defendant Detroit City Council, their agents and
employees, and other persons who are in active concert or participation with them are hereby
temporarily enjoined from meeting and/or convening a closed session for the purpose of

discussing the role of Kevyn Orr as the Emergency Manager for the City of Detroit or for the purpose to discuss any orders, resolutions, or statutes pertaining to removing the City of Detroit from Receivership under Public Act 436.

IT IS FURTHER ORDERED that the Defendant Detroit City Council, their agents and employees, and other persons who are in active concert or participation with them are hereby temporarily enjoined and restrained from destroying, deleting, altering, or otherwise damaging any written documents, including emails, text messages, faxes, letters, minutes, transcripts, video and/or audio recordings that pertain to its decision on whether to remove Kevyn Orr as the Emergency Manager for the City of Detroit as permitted under § 9(6)(c) of Public Act 436 of 2012 or pertaining to the closed sessions the Defendant Detroit City Council held on September 23-25, 2014. This is necessary in order to preserve the status quo and to prevent the possible destruction of pertinent evidence relevant to this case.

IT IS FURTHER ORDERED that Defendant shall appear before the Hon. Judge Annette J. Berry on October 10th, 2014 at 11:00 a.m/p.m. in her courtroom at the Coleman A. Young Municipal Center on the 18th Floor to Show Cause as to Why a Preliminary Injunction should not be issued.

IT IS FURTHER ORDERED that Plaintiff shall serve a copy of this Order to Show Cause, as well as copies of Plaintiff's Complaint and all other pleadings filed in this matter, on the Defendant Detroit City Council or their appropriate representative before 5 p.m. on October 1, 2014.

/s/ Annette J. Berry

WAYNE COUNTY CIRCUIT COURT JUDGE

EXHIBIT C

**STATE OF MICHIGAN
IN THE 3RD JUDICIAL CIRCUIT COURT
FOR THE COUNTY OF WAYNE**

CITIZENS UNITED AGAINST
CORRUPT GOVERNMENT,

Plaintiff,

-v-

DETROIT CITY COUNCIL,

Defendant.

Case No. 14-012633-AW
HON. ANNETTE J. BERRY

14-012633-AW
FILED IN MY OFFICE
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10/9/2014 3:12:51 PM

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NOTICE OF THE FILING OF A NOTICE OF REMOVAL

The Detroit City Council, by and through its undersigned counsel, provides this court notice that on October 9, 2014, pursuant to 28 U.S.C. § 1452(a) and Federal Rule of Bankruptcy Procedure 9027, the Defendant filed a Notice of Removal with the United States Bankruptcy Court for the Eastern District of Michigan in the City of Detroit's bankruptcy case. The Notice

of Removal is attached as Exhibit 1. Pursuant to Federal Rule of Bankruptcy Procedure 9027(c), the parties are to proceed no further in this Court unless and unless and until this suit has been remanded. Fed. R. Bank. P. 9027(c) ("The Parties shall proceed no further in that court unless and until the claim or cause of action is remanded.").

DATED: October 9, 2014

Respectfully Submitted,

/s/ Megan P. Norris
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**IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re

Chapter 9

CITY OF DETROIT, MICHIGAN,

Case No. 13-53846

Debtor.

Hon. Steven W. Rhodes

14-012633-AW

CITIZENS UNITED AGAINST
CORRUPT GOVERNMENT,

FILED IN MY OFFICE
WAYNE COUNTY CLERK
10/9/2014 3:12:51 PM
CATHY M. GARRETT

Plaintiff,

Adv. Case No. _____

V

DETROIT CITY COUNCIL,

Defendant.

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1452(a) and Federal Rule of Bankruptcy Procedure 9027, the City of Detroit removes *Citizens United Against Corrupt Government v. Detroit City Council*, Case Number 14-012633-AW ("State Court Case"), from the Wayne County Circuit Court to the Bankruptcy Court. In the State Court Case, the Plaintiff seeks (1) declaratory judgments that the City Council violated the Open Meetings Act, M.C.L. § 15.261, *et seq.*; (2) an order enjoining the City from taking certain actions which the Plaintiff alleges would violate the Open Meetings Act; (3) an order requiring the City to provide the Plaintiff with all "minutes, including

transcripts and audio recordings,” from certain meetings; and (4) court costs and attorneys’ fees.

The State Court Case is neither “a proceeding before the United States Tax Court” nor “a civil action by a governmental unit to enforce such governmental unit’s police or regulatory power,” and thus the State Court Case qualifies for removal under 28 U.S.C. § 1452(a). Removal is timely under Federal Rule of Bankruptcy Procedure 9027(a)(3) because the complaint initiating the State Court Case was filed October 1, only eight days ago.

The Bankruptcy Court has jurisdiction over the claims alleged in the State Court Case because the State Court Case is “related to a case under title 11.” 28 U.S.C. § 1334(b). “An action is related to bankruptcy if the outcome could alter the debtor’s rights, liabilities, options, or freedom of action (either positively or negatively) and which in any way impacts upon the handling and administration of the bankrupt estate.” *Pappas v. Buchwald Capital Advisors, LLC (In re Greentown Holdings, LLC)*, 728 F.3d 567, 577 (6th Cir. 2013). Here, at a minimum, the injunctive relief sought impinges upon the City’s freedom of action concerning discussions with its Emergency Manager regarding the handling and administration of the City’s bankruptcy case.

The State Court Case is non-core. The City consents to the entry of final orders or judgment by the Bankruptcy Court on the claims brought in the State

Court Case. Pursuant to Federal Rule of Bankruptcy Procedure 9027(a)(1), copies of all process and pleadings in the State Court Case are attached as Exhibit 1 to this Notice.

Respectfully submitted,

By: /s/ Marc N. Swanson
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ATTORNEYS FOR THE CITY OF DETROIT

Dated: October 9, 2014